

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814
(916) 322-5475



February 21, 1979

ALL-COUNTY INFORMATION NOTICE I-17-79

TO: . All County Welfare Directors

SUBJECT: FOOD STAMP PROGRAM - IMPLEMENTATION MARCH 1
(BASEL vs. BUTZ) AND APRIL 1

REFERENCE:

This is to provide you with additional information regarding the delay in implementation of the food stamp regulations filed January 18, 1979. As indicated in our telegram to you of February 6, implementation is delayed until April 1, 1979 for all sections of the regulations except Sections 63-504.23 and 63-504.4. The aforementioned sections, which require notification of expiration of certification periods (Basel v. Butz), must be implemented on March 1, 1979. The other sections must be implemented by April 1, 1979, without exception. Conversion of caseload to the new regulations must be accomplished by June 30, 1979 as originally planned.

The reason for the delay in implementation, as you are aware, is the failure of USDA to provide the necessary supplies of the mandated forms. We are printing supplies of the forms to supplement the quantities we will be provided by USDA. An initial supply of forms will be provided to you as soon as we receive our supply from USDA. We hope to have these forms to you sometime in the next month, but at the latest, by March 15. Additional supplies will be provided to you on a flow basis as they are received from the printer.

Implementation

It has come to our attention that there is a great deal of confusion concerning the definition of implementation. Implementation means that case actions taken during March may be completed using current regulations, regardless of the effective date of the action. For example, if a household applies in March and is certified for food stamps effective April 1, 1979, the current application and regulations can be used to determine the household's eligibility. However, if procedures can be established to facilitate application of the new regulations in March for cases certified effective April 1, counties will be permitted to use the new applications and regulations.

In either case, all March applications that are still pending on April 1, must be processed according to the reform eligibility requirements, even if this means soliciting additional information from households. If the current application is used in March, and the application is pending on April 1, the counties should determine eligibility without requiring the household to fill out a new application. The thirty day processing timeframe shall begin with the date of receipt of the household's application.

Implementation further means use of the issuance tables and maximum income standards is not required until April 1, 1979. Originally, these tables were to be implemented on March 1. However, the delay in implementation delays the required use of these tables until April 1. An expanded version (1-20 person households) of these tables will be sent to you in the near future.

Conversion

Beginning April 1, the new income definition, deductions and allotment calculation shall be completed for all households converted through a desk review. To the extent that the case file and other information permits, other eligibility criteria, such as work registration, resources, tax dependency and alien status, shall be considered during the desk review. Otherwise, nonincome eligibility factors shall be deferred until the household's scheduled recertification. In no event shall a household's certification period be extended past the originally scheduled period as a result of the desk review. Until recertified or converted by desk review, households shall continue to receive the bonus portion of the allotment calculated in accordance with the income, deduction and basis of issuance provisions of the Food Stamp Act of 1964.

Basel vs. Butz

It is essential that the Basel provisions of the new regulations be implemented on March 1, 1979. Forms (Notice of Expiration of Certification Period, DFA 377.2) are being shipped to you immediately. Procedures for implementation of the Basel provisions (Manual Section 63-504.23 and 63-504.4) shall be as follows:

1. Those Nonassistance households whose certification periods expire on April 30, 1979 must be identified and sent a Notice of Expiration of Certification (NEC). Mailing must be scheduled so that each household receives the NEC no earlier than March 15 but no later than April 1 (allow two days for mailing) (63-504.231). All NA households which submit applications by April 16 (the 15th is a Sunday) shall be considered to have made timely application for recertification. Interviews may be scheduled prior to April 1 or prior to the date the application is timely filed (63-504.42).

For those households that have timely filed an application, the CWD shall approve or deny the application and notify the household of its determination by the end of the current certification period. Households determined eligible shall be provided an opportunity to participate in their normal issuance cycle. As noted above, the recertification of eligible households by March 31 may be accomplished under current regulations or under new regulations. The new regulations will, of course, apply to all households recertified in April for April and ongoing.

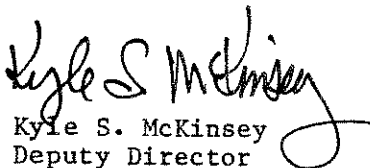
2. Nonassistance households which are certified for one month on or after March 1, 1979 shall be provided an NEC at the time of certification. These households shall have 15 days from the date the notice is received to file a timely application for recertification (63-504.41). If eligible for subsequent certification the household must be provided an opportunity to participate not later than 30 days after the date the household had an opportunity to obtain its last allotment.
3. Public assistance households are not subject to a NEC under current regulations. However, under the new regulations (April 1, 1979) PA households will receive a NEC in some instances:
 - (a) if the PA redetermination is not made by the end of the month for which it was scheduled (63-504.12 and 63-504.231), and
 - (b) whenever a change results in the termination of a PA household and there is insufficient information available to determine how the change affects the household's food stamp eligibility and benefit level (63-504.355).

Example 2: PA discontinuance occurs due to the failure of the household to submit the CA 7.

In these instances, if the PA household decides not to request a fair hearing and continuation of benefits, the household must receive a NEC informing them that the food stamp certification period will expire at the end of the month following the month the notice is sent.

If you have any questions, please contact your Food Stamp Operations Analyst at (916) 322-5475.

Sincerely,


 Kyle S. McKinsey
 Deputy Director

cc: CWDA